

146.1309

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :  
JEAN-LUC DUBOIS :  
Serial No.: 09/194,996 :  
Filed: December 4, 1993 :  
For: TRANSDERMIC...MEDICAMENTS :

600 Third Avenue  
New York N.Y. 10016  
July 16, 2002

RENEWED PETITION UNDER 37 CFR 1.47(b)

Asst. Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the decision on the Renewed Petition dated May 16, 2002, Applicant again renews the request for acceptance of the application in view of the new declaration of Mr. Vieillefosse filed herewith.

In the decision, the Legal Examiner indicated that items 1 to 4 and 6 of 37 CFR 1.47(b) had been complied with but the Legal Examiner has indicated that proof that the CFR 1.47(b) Applicant had sufficient proprietary interest has not been established since Applicant has not provided sufficient facts to indicate that Aventis Pharma S.A. is the owner and that the inventor was performing the research duties.


It is believed that the present declaration of Mr. Vieillefosse clearly demonstrates that Aventis Pharma S.A. has the interest necessary. He was originally employed by Roussel Uclaf which was merged into Hoechst Marion Roussel and the latter was

then merged into the present Assignee Aventis Pharma S.A. The various changes of name has been recorded in the United States Patent Office and the present declaration indicates where the same is available.

The present declaration also clearly states that Mr. Dubois was performing an inventive task which corresponded to his actual duties and was performing studies and research for which he had been explicitly entrusted. Mr. Vieillefosse has first-hand knowledge of this since a part of Mr. Vieillefosse's duties as head of the patent department for the Assignee at the time Mr. Dubois was doing his research was to review invention disclosures and determine whether or not to proceed with the filing of a patent application and while carrying out these duties with respect to Mr. Dubois' activities, he became fully knowledgeable as to the present invention. Therefore, it is believed that Applicant has complied with all of the necessary requisites for the granting of the patent and it is requested that the same be given a filing date and be transferred to the Examiner for review in due course.

Respectfully submitted,  
Bierman, Muserlian and Lucas

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CAM:ds  
Enclosures